

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 01 - IDAHO STATE BOARD OF ACCOUNTANCY P.O. Box 83720, Boise, Idaho 83720-0002

Docket No. **01-0101-9801**, Rules of the Idaho Board of Accountancy. Removes obsolete date references and organization names; corrects grammatical errors; includes the practice unit registration requirement and penalty for non-compliance. Comment By: 10/28/98.

IDAPA 02 - DEPARTMENT OF AGRICULTURE P.O. Box 790, Boise, Idaho 83701-0790

Docket No. **02-0214-9801**, Rules for Weights and Measures. Extends the deadline for compliance with UR. 2.2 of Handbook 44 for weighing and measuring devices requiring that vehicle metering systems be equipped with ticket printers for all sales where product is delivered through a meter. Comment By: 10/28/98.

Docket No. **02-0303-9802**, Rules Governing Pesticide Use and Application. Adds the Livestock Protection Collar as a license category and allows USDA Wildlife Services personnel to be licensed and to use the Livestock Protection Collar containing Compound 1080 and defines training and recordkeeping requirements. Comment By: 11/1/98.

IDAPA 07 - DIVISION OF BUILDING SAFETY P.O. Box 83720, Boise, ID 83720-0048

Docket No. **07-0104-9801**, Rules Governing Electrical Specialty Licensing. Exempts landscape sprinkler control systems from the Limited Energy license. Comment By: 10/28/98.

Docket No. **07-0205-9801**, Rules Governing Plumbing Safety Licensing. Provides for specialty contractor and journeyman licensing and apprentice registration for installation of certain appliances that involve some plumbing work; specialty contractor and journeyman licensing for water pump installers; and for registration for specialty water pump installer apprentices. Comment By: 10/28/98.

Docket No. **07-0313-9802**, Rules Governing Mobile Home Rehabilitation. Explains the criteria and procedures for the rehabilitation of mobile homes intended for relocation into or within Idaho after 9/1/98. Comment By: 10/28/98.

Docket No. **07-0313-9803**, Rules Governing Mobile Home Rehabilitation. Allows the Division to charge an administrative fee for each Checklist--Compliance Certificate requested from the Division. Comment By: 10/28/98.

IDAPA 12 - DEPARTMENT OF FINANCE P.O. Box 83720, Boise, Idaho 83720-0031

Docket No. **12-0108-9801**, Rules Pursuant to the Idaho Securities Act. Adopts certain uniform guidelines used by most states in reviewing certain securities offerings. Comment By: 10/28/98.

Docket No. **12-0110-9801**, Rules Pursuant to the Residential Mortgage Practices Act. Defines requirements of the RMPA for compliance and enables Department to determine whether companies are complying. Comment By: 10/28/98.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION P.O. Box 25, Boise, ID 83707

Docket No. **13-0110-9802**, Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife. Amends rules to accommodate a proposed large commercial wildlife park. Comment By: 10/28/98.

Docket No. **13-0120-9801**, Rules Governing Selection of New Fish and Game Vendors. Deletes obsolete language as requested by auditors. Comment By: 10/28/98.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE P.O. Box 83720, Boise, ID 83720-0036

Docket No. **16-0203-9801**, Rules Governing Emergency Medical Services. Defines standards and processes for designation of clinical capability in three levels: pre-hospital advanced life support, inter-facility advanced life support, and critical care transport; provides for licenses at one of four levels depending on combination of the three clinical capabilities provided; standards for each level address the operational EMS configurations of personnel, training,

equipment, documentation, and basis for administrative action; and adds a seat to the State EMS Advisory Committee for a representative of privately owned ambulance services. Comment By: 10/28/98.

Docket No. **16-0228-9801**, Rules Governing the Registration of Free Medical Clinics. Encourages voluntary provision of health services by granting immunity from liability to health care providers donating medical care through community-based clinics registered with the Department. Comment By: 10/28/98.

Docket No. **16-0301-9802**, Rules Governing Eligibility for Medicaid for Families and Children. Individuals applying for or receiving Medicaid under the AF related standards must cooperate with CSS to secure financial support for their dependent children. Comment By: 10/28/98.

Docket No. **16-0303-9801**, Rules Governing Child Support Services. Requires Medicaid applicants to grant limited power of attorney to child support services to establish and enforce child support orders; changes distribution of collections through state income tax offsets and to comply with federal law; provides additional good cause exemptions for license suspension; requires Department to release liens in 2 business days if delinquency is paid in full in cash; adds rule on an obligor's rights with regard to the accuracy of the financial analysis; deletes obsolete section. Comment By: 10/28/98.

Docket No. **16-0305-9801**, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled. Repeal of chapter. Comment By: 10/28/98.

Docket No. **16-0305-9802**, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled. Rewrite of chapter. Comment By: 10/28/98.

Docket No. **16-0306-9801**, Rules Governing Refugee Resettlement Assistance. Deletes references to eligibility requirements for Refugee cash assistance. Comment By: 10/28/98.

Docket No. **16-0308-9802**, Rules Governing Temporary Assistance for Families in Idaho. Adds all the eligibility criteria for At-Risk Services; sets timeframes for paying for identified work-related services; limits and sets the number of participants; and limits At-Risk Services to no more than once in any 12 month period per individual. Comment By: 10/28/98.

Docket No. **16-0308-9803**, Rules Governing Temporary Assistance for Families in Idaho. Changes criteria for child support cooperation for those who legitimately cannot give required minimum information to begin child support paternity and collection process. Comment By: 10/28/98.

Docket No. **16-0309-9801**, Rules Governing Medical Assistance. Adds Licensed Professional Counselors-Private Practice to list of eligible providers of psychotherapy; updates reflect current licensure practices; eliminates Licensed Social Worker (LSW) and Registered Nurse (RN) from providing psychotherapy. Comment By: 10/28/98.

Docket No. **16-0309-9807**, Rules Governing Medical Assistance. Defines eligible target group, services provided, place of service delivery, provider qualifications, provider reimbursement, and recipient eligibility; rules apply to services to persons with TBI. Comment By: 10/28/98.

Docket No. **16-0309-9808**, Rules Governing Medical Assistance. Expands and clarifies criteria for determining if an individual with mental retardation (or a related condition) meets ICF/MR level of care. Comment By: 10/28/98.

Docket No. **16-0309-9810**, Rules Governing Medical Assistance. Updates services exempted from referral process and clarifies current processes; and confirms that one screening mammography per calendar year for women age forty or older does not require a referral or order from the Medicaid eligible's primary care physician. Comment By: 10/28/98.

Docket No. **16-0320-9801**, Rules Governing Electronic Benefits Transfer (EBT) or Public Assistance and Food Stamps. Removes reference to Refugee Cash Assistance; allows participant an additional 30 days to request reactivation of a state TAFI - EBT account; and removes policies on conversion from coupons to Food Stamp EBT benefits. Comment By: 10/28/98.

Docket No. **16-0612-9801**, Rules Governing the Idaho Child Care Program. Repeal of chapter. Comment By: 10/28/98.

Docket No. **16-0612-9802**, Rules Governing the Idaho Child Care Program. Rewrite of chapter conforms with changes to federal law. Comment By: 10/28/98.

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE P.O. Box 83720, Boise, ID 83720-0043

Docket No. **18-0116-9801**, Variable Contracts. Changes requirement for use of a standard NAIC form for biographical information of officers and directors to use of an affidavit form prescribed by the Department. Comment By: 10/28/98.

Docket No. **18-0123-9801**, Rules Pertaining to the Idaho Insurance Holding Company System Regulatory Act. Defines scope of the rule; makes administrative appeals subject to Attorney General's Administrative Procedure Rules; requires

pre-acquisition notice to the Department; adds a Form E filing requirement; adds procedural requirements governing amendments to a Form B filing; deletes obsolete provisions and definitions; and makes technical corrections. Comment By: 10/28/98.

Docket No. **18-0144-9801**, Schedule of Fees, Licenses, and Miscellaneous Charges. Deletes obsolete references to motor clubs and solicitors; changes references to health maintenance organizations to managed care organizations; deletes charge for withdrawal of certificate of authority; reduces fee for obtaining letters verifying licensure with the Department; and provides that overpayments of less than \$20 will not be refunded except upon request. Comment By: 10/28/98.

Docket No. **18-0149-9801**, Fire Protection Sprinkler Contracts. Clarifies that State Fire Marshal can perform on site inspections of sprinkler systems for compliance and that he may grant a city or county an exemption from requirement of submitting plans for approval; clarifies that plans be submitted for all fire protection sprinkler jobs unless exempt; adds requirements for obtaining and continuing a contractors license; increases amount of required bonding and liability insurance for contractors; and adds requirement that after 1/1/2002 any project requiring installation of new piping be supervised by a licensed fitter; and defines terms. Comment By: 10/28/98.

Docket No. **18-0162-9801**, Annual Audited Financial Reports. Defines and replaces some terms; provides for use of NAIC accounting practices manual; requires the Report on Significant Deficiencies in Internal Controls be filed annually at the same time as the audited financial report; and makes technical corrections. Comment By: 10/28/98.

Docket No. **18-0175-9801**, Credit for Reinsurance Provision Rules. Requires insurers seeking to become accredited reinsurers in Idaho to file an application with Department on forms and in the format provided by the Director and receive written notice of accreditation; makes technical corrections. Comment By: 10/28/98.

Docket No. **18-0178-9801**, Mutual Insurance Holding Company Rule. Establishes application requirements and procedures for creating, merging with or converting to a mutual insurance holding company. Comment By: 10/28/98.

IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY **708 1/2 W. Franklin St., Boise, Idaho 83702**

Docket No. **19-0101-9801**, Rules of the State Board of Dentistry. Changes comply with federal law; increases license fees for general dentists and specialists; updates anesthesia definitions; clarifies permit requirements for dentists who utilize other anesthesia personnel; and provides reporting of anesthesia-related incidents and routes of administration. Comment By: 10/28/98.

IDAPA 22 - IDAHO STATE BOARD OF MEDICINE **P.O. Box 83720, Boise, ID 83720-0058**

Docket No. **22-0103-9802**, Rules for the Licensure of Physicians Assistants. Increases fees for initial licensure and annual license renewal. Comment By: 10/28/98.

Docket No. **22-0109-9801**, Rules for the Licensure of Occupational Therapists and Occupational Therapists Assistants. Defines occupational aide and the required supervision of occupational aide by licensed occupational therapists and occupational therapy assistants. Comment By: 10/28/98.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES **1109 Main Street, Suite 220, Boise, Idaho 83702**

Docket No. **24-0101-9801**, Rules of the Board Architectural Examiners. Deletes that an applicant for reexamination must file a complete application; establishes that the board may order a licensee pay costs and fees incurred in the investigation or prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-0201-9802**, Rules of the Board of Barber Examiners. Establishes that the board may order a licensee to pay the costs and fees incurred in the investigation or prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-0301-9801**, Rules of the Board of Chiropractic Physicians. Adds Part IV of the national exam for new applicants; eliminates all Idaho exams; requires all applicants to submit a signed affidavit to abide by the chiropractic laws and rules; requires endorsement applicants to pass the national board special purposes exam. Comment By: 10/28/98.

Docket No. **24-0401-9801**, Rules of the State Board of Cosmetology. Establishes separate rules for electrologists and estheticians; endorsement applicants may be required to pass an Idaho jurisprudence exam prior to licensure; establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-0401-9802**, Rules of the State Board of Cosmetology. Increases original and renewal fees and all examination fees. Comment By: 10/28/98.

Docket No. **24-0501-9801**, Rules of the Board of Environmental Health Specialist Examiners. Establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-0601-9801**, Rules of the Board of Hearing Aid Dealers and Fitters. Establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-0701-9801**, Rules of the State Board of Landscape Architects. Deletes requirement to pass all parts of the national exam in 3 years; deletes the Idaho plant exam; establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-0801-9801**, Rules of the State Board of Morticians. Establishes that a mortician resident trainee shall not sign a death certificate; and that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-1101-9801**, Rules of the State Board of Podiatry. Establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-1201-9801**, Rules of the State Board of Psychologist Examiners. Increases time for an applicant to accrue 1000 hours of supervised practice to 36 months; establishes the examination and reexamination fee; deletes certain requirements; establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-1401-9801**, Rules of the State Board of Social Work Examiners. Establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-1501-9801**, Rules of the Idaho Counselor Licensing Board. Bachelor's degree required for conditional counseling license; sets forth ethical standards; establishes application fee, original license fee, and annual renewal fee; changes the Association's name; establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-1601-9801**, Rules of the State Board of Dentistry. Establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-1801-9802**, Rules of the Real Estate Appraisers Board. Deletes several requirements; decreases experience requirement for certified residential appraiser; establishes experience requirement for certified general appraiser; increases the length of time a temporary practice permit will be issued and that it may be extended one time only; establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

Docket No. **24-1901-9801**, Rules of the Board of Residential Care Facility Administrators. Establishes that the board may order a licensee to pay a civil fine and for cost and fees incurred in an investigation and prosecution for violation of law. Comment By: 10/28/98.

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

P.O. Box 83720, Boise, ID 83720-0065

Docket No. **26-0130-9801**, Idaho Safe Boating Rules. Eliminates requirement to carry life jackets on a float tube when used on body of water less than 200 surface acres in size at high water. Comment By: 10/28/98.

Docket No. **26-0131-9801**, Rules Governing the Administration of the Boat Safety Account. Repeal of chapter. Comment By: 10/28/98.

Docket No. **26-0131-9802**, Rules Governing the Administration of the Idaho Department of Parks and Recreation Recreational Program Grant Funds. Rewrite of chapter combines several recreational program fund grants administered by the department under separate rule chapters. Comment By: 10/28/98.

Docket No. **26-0132-9801**, Rules Governing the Administration of the Waterways Improvement Fund. Repeal of chapter. Comment By: 10/28/98.

Docket No. **26-0134-9801**, Rules Governing the Administration of the Recreational Vehicle Account. Repeal of chapter. Comment By: 10/28/98.

Docket No. **26-0135-9801**, Rules Governing the Off-Road Motor Vehicle Fund. Repeal of chapter. Comment By: 10/28/98.

Docket No. **26-0138-9801**, Rules Governing the Administration of the Trust for Outdoor Recreation Enhancement (STORE) and the Recreation and Energy Conservations Pathways (RECP). Repeal of chapter. Comment By: 10/28/98.

IDAPA 27 - IDAHO BOARD OF PHARMACY

280 N. 8th St., Ste. 204, Boise, ID 83702

Docket No. **27-0101-9802**, Rules of the Board of Pharmacy. Amends requirements for prescribing, faxing, and dispensing of Schedule II Controlled Substances; eligibility criteria for Idaho controlled substance registrations; the partial filling of prescriptions; and the controlled substance inventory requirements (Red "C"). Comment By: 10/28/98.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

P.O. Box 83720, Boise, ID 83720-0074

Docket No. **31-4201-9801**, Rules for Telephone Corporations Subject to the Regulation of the Idaho Public Utilities Commission under the Telecommunications Act of 1988. Adopts interconnection and access standards for facilities-based telephone corporation competitors that provide basic local service in unserved areas. Comment By: 10/28/98.

IDAPA 35 - STATE TAX COMMISSION

P.O. Box 36, Boise, ID 83722

Docket No. **35-0103-9805**, Property Tax Administrative Rules. Deletes from the value of exempt residential improvements to land septic tanks, wells, and improvements designed to provide utility services and access. interest due for the next calendar year that is owed or paid; adds the interest rate applicable for 1999. Comment By: 10/28/98.

Docket No. **35-0201-9802**, Administration and Enforcement Rules. Provides for rate calculation for interest due for the next calendar year that is owed or paid; adds the interest rate applicable for 1999. Comment By: 10/28/98.

IDAPA 37 - IDAHO DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706

Docket No. **37-0313-9701**, The Water Management Rules. Guides enforcement of laws prohibiting unauthorized uses of water, governing the use of water from surface water sources prior to using water from ground water where rights exist from both sources for the same use, and providing procedures for measuring and reporting diversion and use of water. The proposed rules are intended to apply statewide. Comment By: 11/10/98.

IDAPA 39 - IDAHO DEPARTMENT OF TRANSPORTATION

P.O. Box 7129, Boise ID 83707-1129

Docket No. **39-0364-9801**, Rules Governing Tourist Oriented Directional Signs. Incorporates by reference revised TODS publication. Comment By: 10/28/98.

IDAPA 46 - IDAHO STATE BOARD OF VETERINARY MEDICAL EXAMINERS

2270 Old Penitentiary Road, Boise, Idaho 83707

Docket No. **46-0101-9801**, Rules Governing the Board of Veterinary Medical Examiners. Establishes use of computerized exams; clarifies supervisory requirements for various categories; incorporates veterinary technicians into the regulatory structure; revises existing fee structure and add fees for licensure of veterinary technicians; and clarifies certified euthanasia technicians rules. Comment By: 10/28/98.

IDAPA 48 - IDAHO DEPARTMENT OF COMMERCE

P.O. Box 83720, Boise, ID 83720-0093

Docket No. **48-0101-9801**, Idaho Community Development Block Grant Program (ICDBG). Clarifies and/or strengthens grant application criteria; includes a schedule change for submission of projects to be awarded once a year. Comment By: 10/28/98.

PUBLIC HEARINGS - Public Hearings have been scheduled for the following dockets:

Department of Agriculture

Docket No. **02-0303-9802**, Rules Governing Pesticide Use and Application.

Department of Finance

Docket No. **12-0110-9801**, Rules Pursuant to the Residential Mortgage Practices Act.

Department of Fish and Game

Docket No. **13-0104-9805**, Rules Governing Licensing

Docket No. **13-0110-9801**, Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife.

Department of Health and Welfare

Docket No. **16-0309-9808**, Rules Governing Medical Assistance.

Docket No. **16-0309-9809**, Rules Governing Medical Assistance.

Department of Water Resources

Docket No. **37-0313-9701**, The Water Management Rules.

Please refer to the Idaho Administrative Bulletin, **October 7, 1998, Volume 98-10** for notices and text of all rule-makings, public hearing schedules, governor's executives orders, and agency contact names.

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